

### **REMARKS**

By this amendment, claims 10 and 11 have been cancelled, and claim 8 has been amended. Thus, claims 8, 9, 12 and 13 are now active in the application. Reexamination and reconsideration of the application are respectfully requested.

In items 7 and 8 on pages 3 and 4 of the Office Action, claims 8, 12 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Marsilio (U.S. 2002/0170838) in view of Lopez Mas (U.S. D470,707); and claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Marsilio and Lopez Mas and further in view of Flores, Jr. et al. (U.S. 2003/0015443). These rejections are believed moot in view of the above amendments canceling claims 10 and 11 and adding the limitations of claims 10 and 11 into the independent claim 8.

In item 9 on page 5 of the Office Action, claims 10 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Marsilio and Lopez Mas and further in view of Wong (U.S. 6,085,900). This rejection is respectfully traversed, and it is respectfully submitted that this rejection is clearly inapplicable to claim 8 as now amended to include the limitations of claims 10 and 11, for the following reasons.

With exemplary reference to Figs. 5-8(b), claim 8 sets forth a cover case for accommodating a disk-like recording medium 12, the cover case comprising: a main body 1 having a base surface 4 (as numbered in Fig. 1), a receiving table 5 protruding from the base surface 4, and an outer peripheral edge 6 protruding from the base surface 4 and extending about the receiving table 5; and a cover 2 connected to the main body by a connection portion 3; wherein the receiving table 5 has a support surface 13 arranged to support a center portion of the disk-like recording medium 12; wherein a pair of slit grooves 16 define therebetween a pair of deflectable arms 15a, 15b having distal ends (inner ends in Fig. 6) disposed adjacent each other across a gap (as shown in Figs. 6-8(b)) at a center of the support surface 13 of the receiving table 5, and base ends (outer ends in Fig. 6) opposite each other; wherein the base ends of the arms 15a, 15b are disposed between respective ends of the slit grooves 16, and the distal ends (inner ends) of the arms are disposed between respective central portions of the slit grooves 16; wherein

engagement protuberances 17a, 17b are provided at respective distal ends of the arms 15a, 15b and protrude therefrom, each of the engagement protuberances 17a, 17b having a substantially semi-circular shape, and the engagement protuberances 17a, 17b together constitute an engagement member arranged to engage in a center hole of the disk-like recording medium 12; wherein together the engagement protuberances 17a, 17b form, across the gap between the distal ends of the arms 15a, 15b, a substantially circular shape to be received in the center hole of the disk-like recording medium 12; wherein a flexible resin (unnumbered but shown in Figs 6-8(b)) connects between the engagement protuberances 17a, 17b across the gap, so as to allow the engagement member to undergo shrinkage; wherein at least one notch 7 is formed in the outer peripheral edge 6; wherein the engagement protuberances 17a, 17b respectively have upwardly extending engagement pawls 18a, 18b which are arranged to undergo deflection independently of the arms 15a, 15b; and wherein the engagement pawls 18a, 18b of the engagement protuberances 17a, 17b are provided at cut-off portions of the engagement protuberances 17a, 17b (as shown in Figs. 6-8(b)).

Thus, claim 8 now specifically requires that the engagement protuberances 17a, 17b have upwardly extending engagement pawls 18a, 18b, and that the engagement pawls 18a, 18b are provided at cut-off portions of the engagement protuberances 17a, 17b. Claim 8 also specifies that the engagement protuberances are provided at respective distal ends of the arms 15a, 15b defined between the slit grooves 16.

In the rejection presented in item 7 on page 3 of the Office Action, the Examiner recognized that the Marsilio reference discloses a different type of hub than that required by claim 8 and, accordingly, the Examiner cited the Lopez Mas reference for showing a hub with a gap between deflectable arms in Fig. 7 of Lopez Mas. The Examiner took the position that "one of ordinary skill in the art would have found it obvious to substitute the hub of Lopez Mas for the hub of Marsilio et al."

In item 9 on page 5 of the Office Action, the Examiner recognized that the Marsilio and Lopez-Mas combination fails to disclose upwardly extending engagement pawls cut-off from the

engagement protuberances, as specified in claims 10 and 11. Accordingly, the Examiner cited the Wong patent for disclosing "upwardly extending engagement pawls 28 cut-off from the engagement protuberance 26 by means of slot 29 ..." and took the position that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the case of Marsilio-Lopez Mas with upwardly extending engagement pawls cut-off from the engagement protuberances as taught by Wong in order to secure the retained disk against vertical movement."

However, the Wong patent specifically teaches that the engagement pawls 28 are formed as part of a rigid central core 26 having a raised portion to which pressure may be applied in order to cause the pawls 28 (which include hooks 30) to push the pawls 28 into the slots 29 and out of the way of the disk 42 so that the disk 42 can be removed from the central core 26 (see column 4, lines 43-51). Thus, the Wong patent teaches the use of the engagement pawls 28 as part of the rigid central core 26 and clearly does not teach the provision of engagement pawls provided at cut-off portions of engagement protuberances, such as now required by claim 8. Rather, the very functioning of the pawls 28 of the Wong patent relies upon the particular structure of the rigid central core 26 of Wong. Further, in Wong, the engagement pawls 28 are not provided at inner ends of the deflectable arms 22, but are rather provided in spaces formed between the arms 22 and, in this regard, the spaces between the arms 22 allow for the provision therein of support pegs 24 in the Wong patent. In contrast, in the present invention of claim 8, the engagement pawls 18a, 18b are provided at cut-off portions of the engagement protuberances 17a, 17b, and the engagement protuberances 17a, 17b are provided at the distal ends of the arms 15a, 15b defined between the slit grooves 16, as shown in present Fig. 6.

If the hub shown in Fig. 7 of the Lopez Mas patent was to be modified to include the engagement pawls 28 of the Wong patent in such a manner as to meet the claim limitations of claim 28, it would be necessary for the engagement pawls 28 to be provided as cut-out portions of the engagement protuberances of Fig. 7 of Lopez Mas, as labeled on page 3 of the Office Action. However, there is no teaching whatsoever in Wong of providing the engagement pawls

28 as cut-out portions of engagement protuberances such as those of Fig. 7 of Lopez Mas. Rather, Wong specifically teaches that the engagement pawls are provided as part of a rigid central core 26, and that the engagement pawls are provided at spaces formed between deflectable arms 22.


Thus, for the above reasons, it is believed clear that a person having ordinary skill in the art would not have been motivated to modify the Marsilio et al. reference or a combination of the Marsilio and Lopez Mas references to include engagement pawls provided at cut-off portions of the engagement protuberances of Lopez Mas in view of the Wong reference, or to make any combination of the references of record in such a manner as to result in or otherwise render obvious the present invention of present claim 8. Therefore, it is respectfully submitted that claim 8, as well as claims 9, 12 and 13 which depend therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Masanao YAMAGISHI et al.

By:   
Charles R. Watts  
Registration No. 33,142  
Attorney for Applicants

CRW/asd  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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